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December 18, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, D.C. 20554

Ex Parte

Re: Multiple Address Systems
WT Docket No. 97-81

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's Rules, this is to notify you that the following persons, representing the organizations listed, made an oral presentation to Peter Tenhula, of the office of Commissioner Powell, regarding the licensing of multiple address systems (MAS) in the 900 MHz band (WT Docket No. 97-81):

<u>Name</u>	<u>Representing</u>
Jeffrey Sheldon	UTC, The Telecommunications Association
Jerry Obrist	Lincoln Water System and the American Water Works Association
Curtis White (Law Office of Curtis White)	East Bay Municipal Utility District
Wayne Black (Keller & Heckman)	American Petroleum Institute
Thomas Keller (Verner, Liipfert, Bernhard, McPherson & Hand)	Association of American Railroads

The parties summarized the arguments advanced in their "Joint Supplemental Comments" filed in this docket on October 30, 1998. A copy of the written materials used during the presentation are appended hereto.

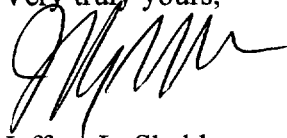
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Ms. Magalie Roman Salas
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Two copies of this notice are being submitted for filing in the docket of this proceeding.

If there are any questions concerning this matter, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Sheldon', with a stylized, flowing script.

Jeffrey L. Sheldon
VP & General Counsel

cc: Peter Tenhula, FCC

**POSITION OF THE
CRITICAL INFRASTRUCTURE INDUSTRIES
ON
MULTIPLE ADDRESS SYSTEM (MAS) LICENSING
WT DOCKET NO. 97-81**

I. Utilities, Railroads and Pipelines Make Extensive Use of 900 MHz MAS

A. Typical Uses:

- Utilities -- supervisory control and data acquisition (SCADA); line switching; water system monitoring and flow control; gas system pressure controls
- Railroads -- real-time switching and signaling; telemetry
- Pipelines -- SCADA; oil and gas well monitoring; pressure differentials; alarms

B. Critical Infrastructure Industries (CII) are the largest group of non-commercial MAS licensees

C. As CII operations become more sophisticated, and as protection of the nation's critical infrastructure receives greater attention, there will be an increasing need for MAS spectrum.

II. MAS Licenses Used By CII Eligibles Are Exempt From Auctions

A. MAS systems are "private internal radio services used by State and local governments and non-government entities...that (i) are used to protect the safety of life, health or property; and (ii) are not made commercially available to the public." 47 U.S.C. §309(j)(2).

B. "[T]he exemption from competitive bidding authority [in §309(j)(2)] for 'public safety radio services' includes 'private internal radio services' used by utilities, railroads, metropolitan transit systems, pipelines, private ambulances, and volunteer fire departments." Conf. Report, H.R. Rep. No. 105-217 at 572 (1997) (emphasis added)

III. Conclusion

A. Designate for CII use:

1. Existing 928/952/956 MHz channels (but grandfather existing *systems* licensed to non-CII eligibles).
2. At least 20 new channel pairs at 932/941 MHz.

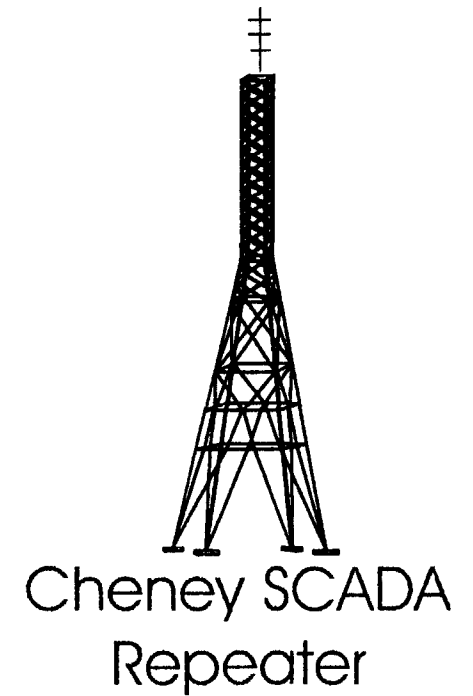
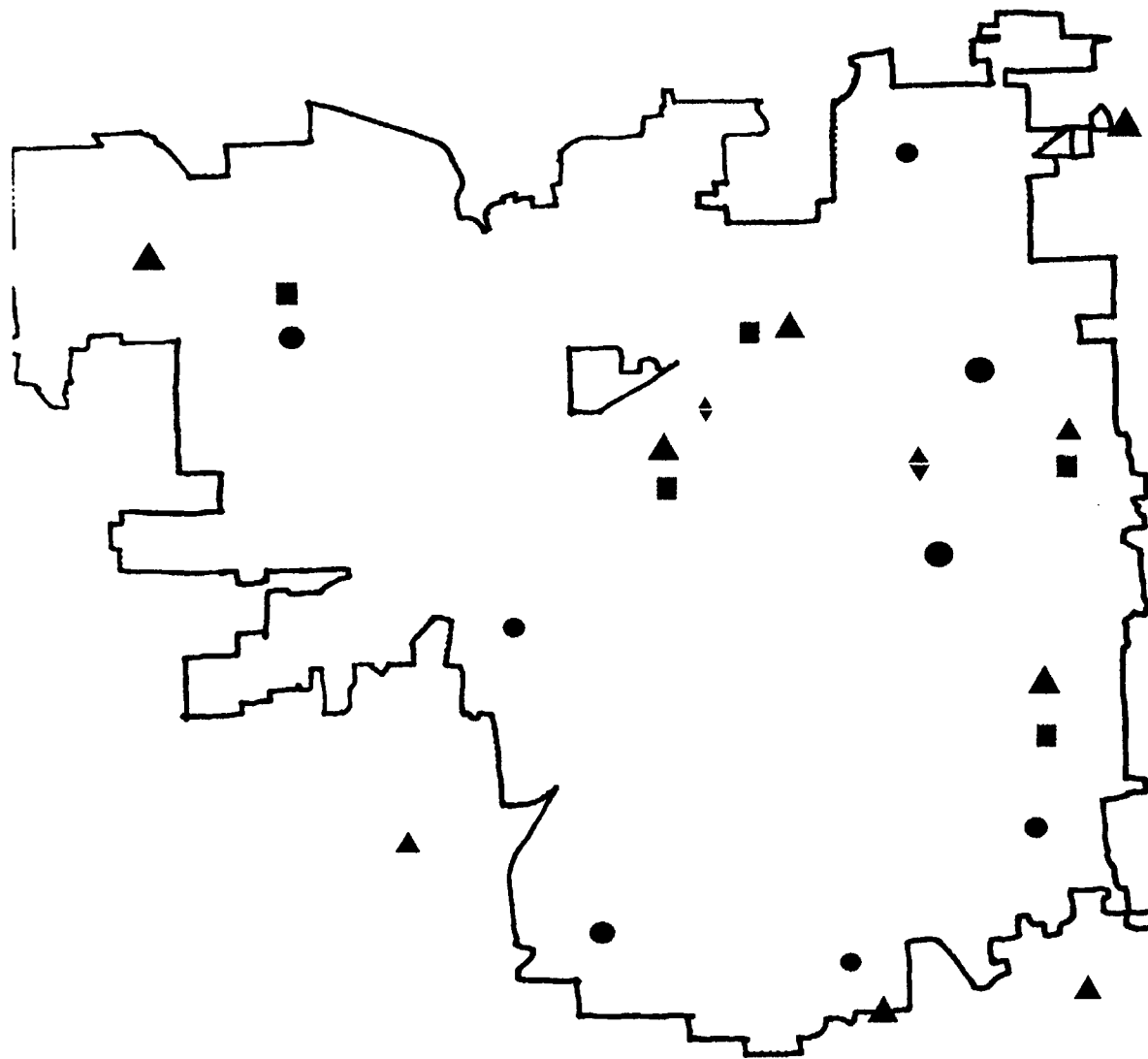
B. Define CII eligibility by reference to Rule Part 90 definitions (§90.7):

1. "Power Licensee" -- electric, gas, or water production or delivery
2. "Petroleum Licensee" -- petroleum or gas production or delivery
3. "Railroad Licensee" -- passenger or property railroad carrier

City of Lincoln

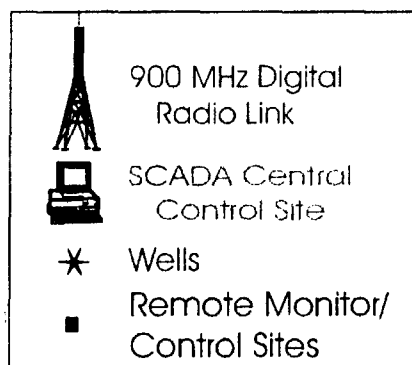
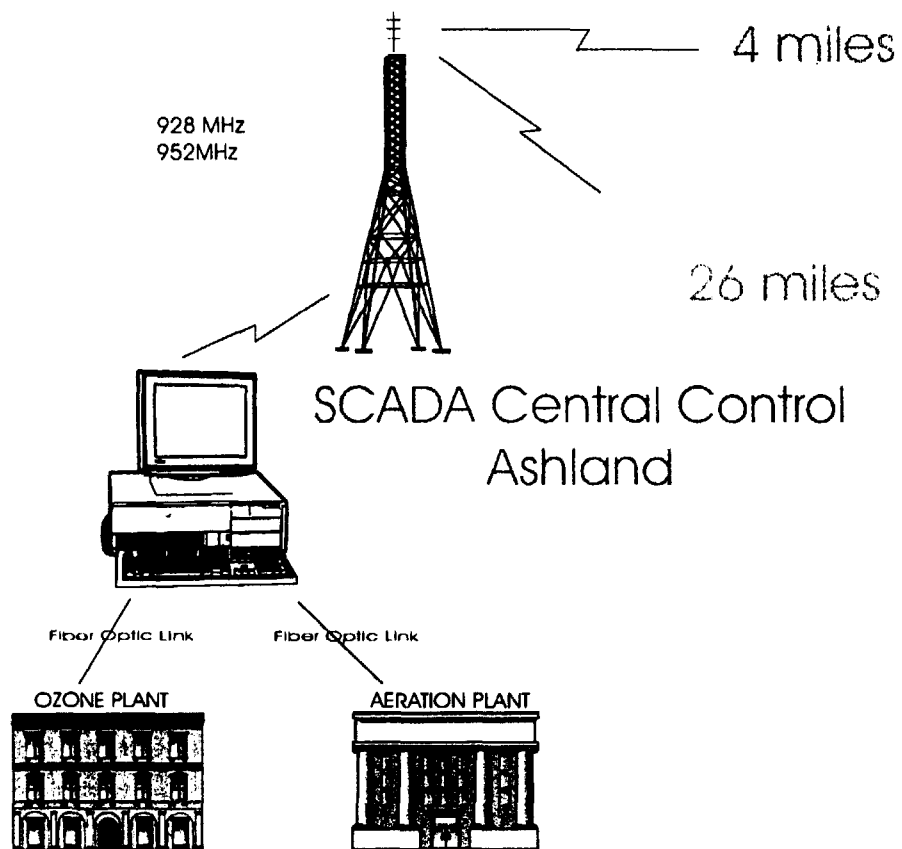
Legend

- ◆ Valve Control
- ▲ Reservoirs
- Pump Stations
- Pressure Monitor

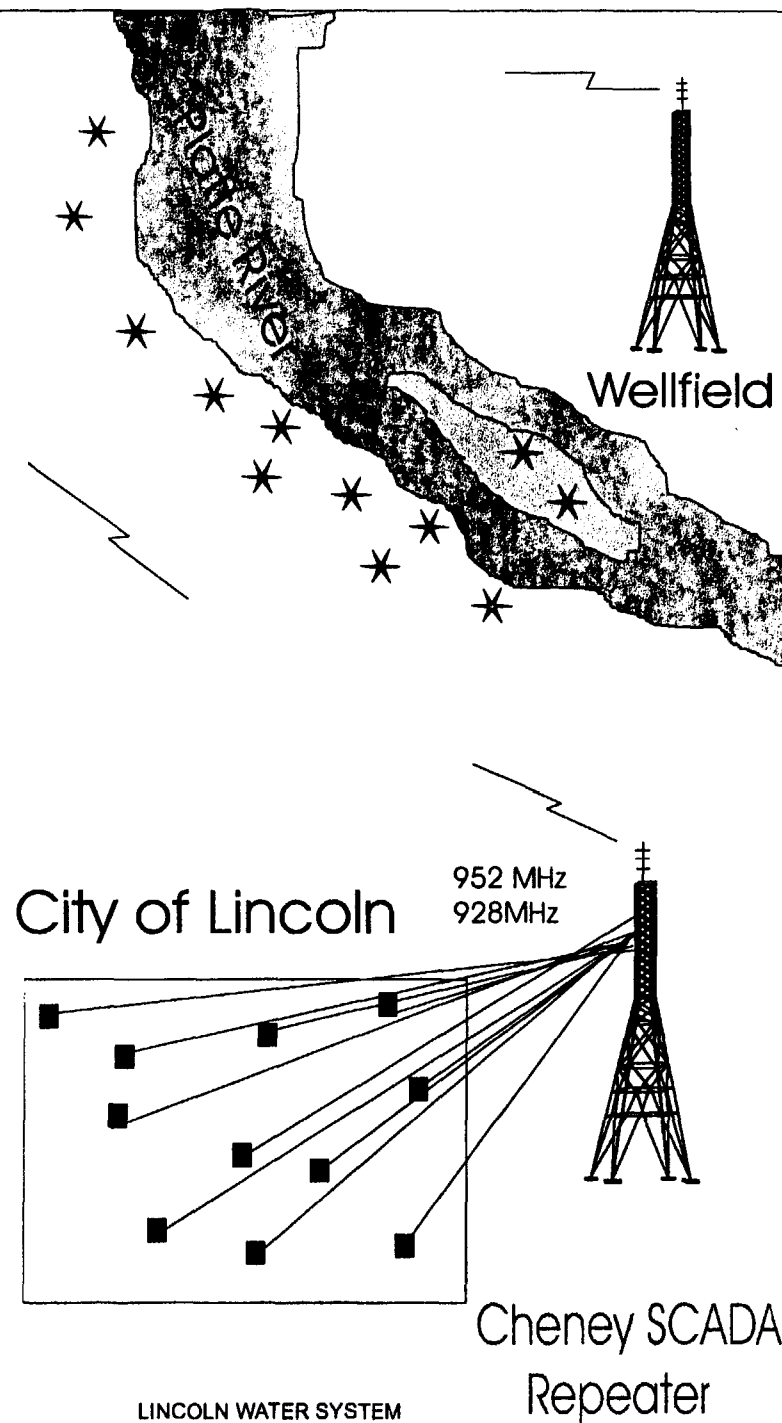


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AMERICAN WATER WORKS ASSOCIATION

LINCOLN WATER SYSTEM
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